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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Wrightsville, Arkansas)

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)
)
)
)

PM-7647
MM 92-118 ✓

TO: Chief, Allocations Branch
Mass Media Bureau

Petition for Rule Making

Wrightsville Communications Company, Inc. ("WCC"), by counsel and pursuant to Sections 1.401 and 1.420 of the Commission's rules, hereby requests the Commission to amend Section 73.202(b) of its rules, the FM Table of Allotments, to substitute Channel 299C2 for Channel 299A at Wrightsville, Arkansas. In support thereof the following is stated.

On January 7, 1991, Administrative Law Judge Edward Luton granted WCC's application for a construction permit for a new FM station on Channel 299A at Wrightsville, approving a settlement agreement and terminating the proceeding in MM Docket No. 90-61. Memorandum Opinion and Order, FCC 91M-43, released January 7, 1991 (copy attached). As the permittee of a new station at Wrightsville, WCC may seek to upgrade the Wrightsville channel allotment pursuant to Section 1.420(g)(3).

Exhibit E-1A attached hereto is a channel allocation study demonstrating that Channel 299C2 may be substituted for Channel 299A at Wrightsville, Arkansas, using the coordinates of WCC's currently authorized site, North Latitude 34-36-24, West Longitude 92-14-17. It is noted that while the attached allocation study reflects a short-spacing to Channel 296A at Benton, Arkansas and the facilities of Station KAKI(FM), in MM Docket No. 87-73, the Commission amended Section 73.207(b) to substitute Channel 294C2 for Channel 296A at Benton, and modified the license of station KAKI to specify operation on Channel 294C2. Amendment of section 73.202(b) (Benton, Arkansas), 3 FCC Red 4840 (MM Bur. 1988).^{1/} Thus, the Benton allotment does not preclude the proposed Wrightsville upgrade.

WCC hereby states that if the Commission grants this petition and adopts the proposed channel substitution that it will apply for and construct modified facilities on Channel 299C2 at Wrightsville.


WHEREFORE, for the foregoing reasons, WCC respectfully requests the Commission to grant this petition, to substitute Channel 299C2 for Channel 299A at Wrightsville, Arkansas, and to modify WCC's construction permit accordingly.

^{1/} WCC understands that an application is now pending for KAKI to implement its license modification.

Respectfully submitted,

WRIGHTSVILLE, COMMUNICATIONS COMPANY, INC.

by:


James K. Edmundson
Mark Van Bergh

Its Attorneys

GARDNER, CARTON & DOUGLAS
Suite 750N
1001 Pennsylvania Ave., N.W.
Washington, D.C. 20004
(202) 879-9461

DATED: January 27, 1991

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 91M- 43
1744

In re Applications of)	MM DOCKET NO. 90-61
)	
WRIGHTSVILLE COMMUNICATIONS)	File No. BPH-871109ME
)	
DELONEY BROADCASTING LIMITED PARTNERSHIP)	File No. BPH-871109MH
)	
For Construction Permit for a)	
New FM Station on Channel 299A)	
in Wrightsville, Arkansas)	

MEMORANDUM OPINION AND ORDER

Issued: January 3, 1991

Released: January 7, 1991

Under consideration are 1) Joint Request for Approval of Settlement Agreement, filed October 30, 1990 by Wrightsville Communications Company, Inc. and DeLoney Broadcasting Limited Partnership; 2) Mass Media Bureau's Comments on Joint Request for Approval of Settlement Agreement, filed November 9, 1990 by the Mass Media Bureau; and 3) Joint Reply to Mass Media Bureau's Comments on Joint Request for Approval of Settlement Agreement, filed November 16, 1990 by DeLoney and Wrightsville.

The settlement agreement contemplates the dismissal of the DeLoney application, in exchange for monetary consideration, and the grant of Wrightsville's application. The joint request and supporting materials submitted by the applicants satisfy the Commission's Rules. More specifically, the applicants have declared that approval of the agreement is in the public interest and that none of the applications was filed for the purpose of reaching or carrying out a settlement agreement. There are no outstanding issues against Wrightsville, and its application can be granted.

ACCORDINGLY, IT IS ORDERED that the Joint Request is Granted and the Settlement Agreement is Approved; **IT IS FURTHER ORDERED** that the application of DeLoney Broadcasting Limited Partnership is ~~Dismissed~~ with prejudice; **IT IS FURTHER ORDERED** that the application of Wrightsville Communications Company, Inc., is Granted, and this proceeding is TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION


Edward Luton

Administrative Law Judge

Exhibit E-1A page 1 of 2
CLOSE SPACING STUDY C2

PETITION TO AMEND THE TABLE OF ALLOTMENTS
Channel 299 Wrightsville, AR
January 1991

Channel: 299 C2; Database: DW 01/16/91; 34-36-24, 92-14-17

CALL STATUS	CITY STATE FCC FILE #	CHANNEL FREQ.	ERP-KW EAH-M	LATITUDE LONGITUDE	BEARING	DIST. (KM)	REQ. (KM)
NEW APP	MAUMELLE AR BPH-871109MG	245A 96.9	3 100	34-49-48 92-22-42	332.7	27.91 12.91	15 CLOSE
ALLOC	MAUMELLE AR DOC-86-154	245A 96.9		34-51-43 92-24-12	332.0	32.11 17.11	15 CLOSE
KWEH LIC	CAMDEN AR BLH-4437	246C2 97.1	39 56	33-35-13 92-49-42	205.8	125.5 105.5	20 CLEAR
KAKI LIC	BENTON AR BLH-781215AD	296A 107.1	2.5 101	34-30-30 92-32-42	248.8	30.21 -24.79	55 SHORT
Deletion proposed; Ordered to 294C2							
KXRC CP	CLARENDON AR BPH-891002MN	297A 107.3	3 98	34-37-19 91-22-46	88.5	78.77 23.77	55 CLEAR
RM	ROSEDALE MS RM-7257	298C3 107.5		33-56-20 90-51-10	119.9	147.5 30.5	117 CLEAR
KKTZ LIC	MOUNTAIN HOME AR BLH-850520KF	298C1 107.5	100 232	36-12-18 92-11-40	1.3	177.4 19.4	158 CLOSE
KKTZ CP	MOUNTAIN HOME AR BPH-890412IA	298C1 107.5	100 200	36-12-18 92-11-40	1.3	177.4 19.4	158 CLOSE

Exhibit E-1A page 2 of 2
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PETITION TO AMEND THE TABLE OF ALLOTMENTS
Channel 299 Wrightsville, AR
January 1991

Channel: 299 C2; Database: DW 01/16/91; 34-36-24, 92-14-17

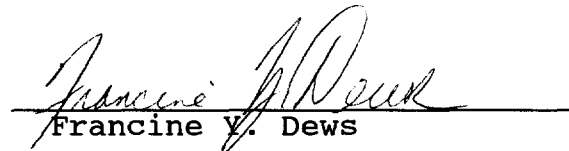
CALL STATUS	CITY STATE FCC FILE #	CHANNEL FREQ.	ERP-KW EAH-M	LATITUDE LONGITUDE	BEARING	DIST. (KM)	REQ. (KM)
=====							
WRIGHTSVILLE							
NEW	AR	299A	3	34-36-24	.0		166
APP	BPH-871109ME	107.7	100	92-14-17		-166.0	
Granted FCC 91M-43 1744; DOC-90-61; 6K CP filed 1-22-91							
WRIGHTSVILLE							
ALLOC	AR	299A		34-36-06	105.8	2.04	166
	DOC-86-154	107.7		92-13-00		-163.96	
Granted to BPH-871109ME FCC91M-43 1744 1-3-91							
WRIGHTSVILLE							
NEW	AR	299A	3	34-37-46	66.2	6.3	166
APP	BPH-871109MH	107.7	100	92-10-31		-159.72	
Dismissed with Prejudice FCC91M-43 1744 1-3-91 DOC-90-61							
MAGNOLIA							
KVMA	AR	300C1	100	33-17-59	212.5	171.7	158
LIC		107.9	107	93-13-57		13.7	CLOSE
JONESBORO							
KFIN	AR	300C	100	35-47-53	45.3	189.8	188
CP	BPH-870218IC	107.9	311BT	90-44-30		1.8	CLOSE
FAYETTEVILLE							
KEZA	AR	300C	100	35-51-12	311.0	213.6	188
LIC	BLH-820917AU	107.9	384	94-01-33		25.6	CLEAR

MM Docket No. 90-489
Wrightsville, AR

CERTIFICATE OF SERVICE

I, Francine Y. Dews, a secretary in the law offices of Gardner, Carton & Douglas, do hereby certify that true copies of the foregoing were sent January 27, 1991, by first-class United States mail, postage prepaid, or as indicated by hand to the following:

Andrew J. Rhodes, Esquire
Acting Chief, Allocations Branch
Federal Communications Commission
2001 L Street, N.W., Room 211
Washington, D.C. 20554
(By Hand)


Francine Y. Dews